IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 218 of 2005

Between:

K.Bikshapathy S/o.Late Yellaiah
DMRL, Hyderabad.

..... PETITIONER

AND

1. The Director, Defence Metallurgical Research, Laboratory, Kanchanbagh, Hyderabad.
2. The Government of A.P., rep. by its Principal Secretary, Secretariat, Hyderabad.
3. The District Collector, Hyderabad District, Hyderabad.
4. The Joint Collector, Hyderabad District, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of writ of Mandamus, declaring the Memorandum No.CF/1/6/1/ST Dt.28.12.2004 on the file of the 1st respondent, as being illegal, arbitrary, premature, and violative of Article 14 of the Constitution of India and consequently stay all further proceedings pursuant to the said Memorandum Dt.28.12.2004.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondent Nos.1: MS.N.HEMA REDDY (ADDL. SC FOR CG)

Counsel for Respondent Nos.2 to 4:G.P. FOR SOCIAL WELFARE

The Court at the admission stage made the following Order:

This writ petition is filed by the petitioner questioning the impugned Memo dated 28.12.2004.

Learned counsel appearing for the petitioner submitted that since the appeal filed by the petitioner with regard to his social status is pending consideration before the first respondent, issuance of impugned Memo dated 28.12.2004 to file a written statement is abuse of process of Court, and prays to stay the impugned Memo.

Learned Additional Standing Counsel appearing for the Central Government submitted that it is only the Memo calling upon the petitioner to file his written statement. He further submitted that as no stay was granted, there is no bar for the department to proceed against the petitioner.

Admittedly, the petitioner preferred an appeal to the first respondent against the cancellation of his caste certificate. The first respondent rejected the stay application vide Memo dated 22.12.2003. In the absence of stay, respondents are at liberty to proceed with the departmental enquiry. Hence, there are no grounds to interfere with the impugned Memo dated 28.12.2004 issued by the first respondent.

The writ petition is devoid of merits and it is dismissed at the stage of admission. No costs.

19.01.2005

usd

To

1. The Director, Defence Metallurgical Research, Laboratory, Kanchanbagh, Hyderabad.
2. The Principal Secretary, Government of A.P., Secretariat to Government, Hyderabad.

3. The District Collector, Hyderabad District, Hyderabad.

4. The Joint Collector, Hyderabad District, Hyderabad.

5. Two CCs to G.P. for Social Welafare, A.P.High Court Buildings, Hyderabad (OUT).

6. Two CD copies.